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04 UNITED STATES DISTRICT COURT
05 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

06 PONCIANO AUSTRIA,) CASE NO. C09-0347-RSM
07)
Petitioner,)
08)
v.) ORDER DENYING PETITIONER'S
09) HABEAS PETITION WITH
PAT GLEBE,) PREJUDICE
10)
Respondent.)
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12 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's
13 answer thereto, the Report and Recommendation of Mary Alice Theiler, United States
14 Magistrate Judge, and the remaining record, does hereby find and Order:

- 15 (1) The Court adopts the Report and Recommendation;
16 (2) Petitioner's habeas petition and this action are DISMISSED, with prejudice; and
17 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for
18 respondent, and to Judge Theiler.

19 DATED this 13 day of October, 2009.

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22 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE